



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON, D.C. 20370-5100

JRE
Docket No: 2770-00
7 November 2000



Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 26 October 2000. After careful consideration of your application, the Board concluded that your application was not timely filed, and that it would not be in the interest of justice to excuse your failure to submit your application in a timely manner. It rejected your contention that you discovered the alleged error or injustice in your record on 11 January 1994, when you underwent evaluation at a Department of Veterans Affairs spinal clinic. The Board noted that you were aware of the alleged symptoms of a sleep disorder well before your release from active duty in 1956, and indeed were granted service connection for that disorder more than thirty years later based, in large part, on your reports of symptoms which allegedly began during a period of active service in the 1940's. There is nothing new in the 11 January 1994 medical report concerning the extent of your back condition or alleged sleep disorder in 1956. In addition, you have not stated why you believe the Board should find it in the interest of justice to consider your application on the merits.

You may request reconsideration of this decision. Your request must include newly discovered relevant evidence which was not reasonably available to you when you submitted your application. The evidence may pertain to the timeliness of your application or to its merits. Absent such additional evidence, further review of your application is not possible. It is regretted that a more favorable reply cannot be made.

Sincerely,

W. DEAN PFEIFFER
Executive Director